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EXAMINER	
SCHATZ, CHRISTOPHER T	

ART UNIT	PAPER NUMBER
1791	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/551,468	NILSSON, OVE	
	Examiner	Art Unit	
	CHRISTOPHER SCHATZ	1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 May 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) *12-18* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 September 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-11 in the reply filed on May 16, 2008 is acknowledged. Claims 12-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the quality of the drawings are not sufficient to enable the examiner to fully understand the scope of the applicant's disclosure. For example, on page 6 of the specification, the applicant refers to brackets 19 and 20 and states that they are interconnected. While figure 1 shows the characters 19 and 20, the drawing is so unclear that it is not possible for the examiner to distinguish between characters 19, 20 and 11, 12. Additionally, it is not possible to see how the brackets are connected via frame 21, as described by the applicant in the specification. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 17, 21, A. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 5 is objected to because of the following informalities: Line 2 contains an apparent typographical error. It is recommended that the applicant replace "included" with "inclined". Appropriate correction is required.

5. Claim 12 is objected to because of the following informalities: Line 3 contains an apparent typographical error. It is recommended that the applicant delete the term "is applied" because the term is recited twice. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 1 recites the limitation "the one is disposed to displace the cylindrical bodies in their longitudinal direction up to and connection with the end of a preceding body". The phrase "up to and connection" is not clear to the examiner. It is recommended that the applicant amend the claim to stated "up to a connecting point with an end of the preceding body".

8. Claim 1 also recites the phrase "for example sleeves of paperboard or the like which are employed int. al. within the papermaking industry for winding a manufactured paper web, sheet web or the like". The term "for example" renders the claim indefinite because it is unclear whether the applicant intends to limit the claimed apparatus as being capable of performing the recited functional language upon sleeves of paperboard. See MPEP § 2173.05(d).

9. Line 2 of claim 1 recites the phrase "int. al". It is unclear to the examiner what this term means. Clarification or cancellation of the term is requested.

10. Claim 1 recites the limitation "the one is disposed to displace the cylindrical bodies in their longitudinal direction up to connection with the end of a preceding body".

There is insufficient antecedent basis for this limitation in the claim. The applicant has failed to define a cylindrical body as having an end.

11. Claim 1 recites the limitation "with the desired spacing between the edges of the applied material web". There is insufficient antecedent basis for the term "the desired spacing" and "the edges".

12. As to claim 2, the applicant recites that "the one conveyor section is disposed to displace the bodies at a higher speed". Use of the term "higher speed" is indefinite because the applicant fails to recite relative language to which the term "higher" can be compared to.

13. As to claim 4, the claim recites the limitation "the wheels are rotary". It is recommended that the limitation be rewritten as "the wheels are rotated".

14. Claim 7 recites the limitation "that the shafts are interconnected" and "driving of the shafts" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. While the applicant previously recites the presence of a common shaft, none of the preceding limitations recite the presence of multiple shafts.

15. Claim 8 recites the limitation "the shafts". There is insufficient antecedent basis for this limitation in the claim. See above.

16. Claim 9 recites the limitation "at the end of the body". There is insufficient antecedent basis for this limitation in the claim. It is unclear what "end" the applicant is referring to.

17. Claim 10 recites the limitation "against the conveyor wheels". There is insufficient antecedent basis for this limitation in the claim. None of the previous limitations recite the presence of conveyor wheels.

Claim Rejections - 35 USC § 102

18. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

19. Claims 1, 9, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Roberts et al. (US 6231711).

Roberts discloses an apparatus capable of laying a material sheet on a number of paperboard cylindrical bodies, for example sleeves of paperboard or the like, characterized in that a conveyor (figure 5) is disposed to advance the cylindrical bodies in the longitudinal direction thereof, to, past and away from a unit (figure 6) for supplying a material web to the bodies, and that the conveyor is divided into at least two sections, of which the one 20, 21 is disposed to displace the cylindrical bodies in their longitudinal direction up to connection with the end of a preceding body , and of which the second section (figure 6) is disposed to positively rotate the cylindrical bodies about their longitudinal axis and displace the cylindrical bodies in the direction of their longitudinal axis during application of the material web, with the desired spacing between the edges of the applied material web (column 4, line 40 – column 5, line 37; column 5, line 56 -

column 6, line 49; figures 3-6, 8). As to claim 9, Roberts discloses a knife capable of cutting an applied web at an end of a body after its passage of the unit for applying the material web during conveying off (figure 7; column 8, line 62 – column 9, line 23). As to claim 10, Roberts discloses a method wherein a number of wheels 56, 55, 57 (figure 6) are provided above the bodies at the unit for applying the material web for urging the bodies against the conveyor wheels. As to claim 11, Roberts recites an apparatus wherein a trailing wheel is provided for abutment against the cylindrical body flush with a point where the material web is applied on the cylindrical body.

20. Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (US 3322291).

Smith discloses an apparatus capable of laying a material sheet on a number of paperboard cylindrical bodies (figure 1; column 2, lines 43-59), characterized in that a conveyor is disposed to advance the cylindrical bodies in the longitudinal direction thereof, to, past and away from a unit for supplying a material web to the bodies, and that the conveyor is divided into at least two sections, of which the one is disposed to displace the cylindrical bodies in their longitudinal direction up to connection with the end of a preceding body and of which the second section is disposed to positively rotate the cylindrical bodies about their longitudinal axis and displace the cylindrical bodies in the direction of their longitudinal axis during application of the material web, with the desired spacing between the edges of the applied material web (column 2, lines 6-11; column 6, lines 23-24; column 5, line 71 – column 6, line 38; column 8, line 25 - column 9, line 2; figures 1-6, 8, 12).

As to claim 2, Smith discloses an apparatus wherein the one section is disposed to displace the bodies at a higher speed ahead of the unit for applying the material web (see above cited text). As to claim 3, Smith discloses an apparatus wherein the conveyor sections comprise a number of wheels disposed on either side of the bodies, the wheels being obliquely inclined in relation to the longitudinal axis of the bodies and capable of rotation and driving thereof towards, past and away from the unit for applying the material web (figures 3, 6, 5, column 3, line 15 – column 4, line 72) As to claim 5, Smith discloses an apparatus wherein the wheels are arranged pairwise and are obliquely inclined pairwise and capable of regulating the advancement speed of the bodies (figures 3-6). As to claim 6, Smith discloses an apparatus wherein the wheel pairs in the one section of the conveyor may be obliquely inclined independently of the wheel pairs in the second section of the conveyor (column 3, lines 760-73). Note that the reference discloses that the cam plate 100 is removable in each section, and another cam plate can be independently placed in each section in order to vary the angle of the wheels.

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

22. Claim 2 is rejected under 35 U.S.C. 102(b) as anticipated by Roberts et al, or, in the alternative, under 35 U.S.C. 103(a) as obvious over Roberts et al. in view of Smith.

23. Roberts discloses a method discussed in section 19 above. While the reference does not explicitly recite the phrase "the one conveyor is disposed to displace the bodies at a higher speed", the examiner asserts that the step of connecting the cylindrical bodies between the one and the second sections necessarily requires that the one conveyor section be capable of displacing the bodies at higher speed ahead of the unit for applying the material web.

If it is not taken that Roberts implicitly discloses the limitations of claim 2, the following rejection is set forth:

Roberts discloses an apparatus as discussed with respect to claim 1 above. It is unclear if Roberts discloses an apparatus wherein the one conveyor section is capable of displacing the bodies at a higher speed ahead of the unit capable of applying the material web. Smith discloses an apparatus as discussed in section 20 above. Smith further discloses that it is well known in the art for an apparatus to convey a free cylindrical body at a higher speed in a first conveying section such that said cylindrical body connects to an end of another free cylindrical body downstream (column 7, lines 54-58). Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the one conveying section of Roberts such that said conveying section is capable of displacing a cylindrical body at a higher speed as is well-known in the art and taught by Smith.

24. Claims 3, 5, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. as applied to claim 1 above, and further in view of Morgan (US 3260390).

Roberts discloses an apparatus as discussed with respect to claim 1 above, and further discloses wheels 40, 41 in each conveying section on either side of the cylindrical bodies (figure 4, 8). Roberts further discloses that said wheels are capable of rotation (column 6, lines 24-32). It is unclear if Roberts discloses that the wheels are obliquely inclined to the longitudinal axis of the bodies and capable of driving a body to, past and away from the unit for applying the web. Morgan discloses an apparatus for longitudinally conveying and rotating a cylindrical body, and further discloses wheels 11 that are capable of driving a body in a longitudinal direction wherein said wheels are obliquely inclined toward a longitudinal axis of a cylindrical body (figures 1 and 2). Morgan further discloses that obliquely inclined wheels for longitudinally conveying cylindrical bodies provide more control during conveying and enable the apparatus to receive bodies of different diameters (column 3, lines 25-45). Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the apparatus of Roberts such that the wheels are obliquely inclined toward the longitudinal axis of a cylindrical body as taught by Morgan above. Furthermore, it would have been obvious to one of ordinary skill in the art to enable said obliquely inclined wheels such that said wheels are capable of driving a cylindrical body. Such a modification to the apparatus of Roberts will achieve the advantages discussed above.

As to claim 5, figures 1 and 3 of Morgan show such a claimed configuration. Roberts meet the limitations of claims 9-11 as discussed above.

25. Claims 3-5, 7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. as applied to claim 1 above, and further in view of Magnusson et al. (US 3664531).

26. Roberts discloses an apparatus as discussed with respect to claim 1 above, and further discloses wheels as discussed in section 24 above. It is unclear if Roberts discloses that the wheels are obliquely inclined to the longitudinal axis of the bodies and capable of driving a body to, past and away from the unit for applying the web. Magnusson discloses an apparatus for longitudinally conveying and rotating a cylindrical body, and further discloses wheels 8 that are capable of driving a body in a longitudinal direction wherein said wheels are obliquely inclined toward a longitudinal axis of a cylindrical body (figure; (column 1, line 30 – column 2, line 21). Magnusson further discloses that obliquely inclined wheels for longitudinally conveying cylindrical bodies allow the speed of the longitudinal and rotational movement to be varied over a wide range (column 1, lines 30-37; column 2, lines 9-14). One reading Roberts would readily recognize that an apparatus capable of varying longitudinal and rotational movement over a wide range would allow the greater control over the wrapping of the web. Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the apparatus of Roberts such that the wheels are obliquely inclined toward the longitudinal axis of a cylindrical body and capable of driving a cylindrical body as taught by Magnusson above.

As to claim 4, Magnusson discloses an apparatus wherein the wheels are rotated by means of a driving belt 7 extending about their periphery, on which a cylindrical body

is capable of resting and which extends to and around a drive pulley (figure). As to claim 5, Magnusson discloses an apparatus wherein the wheels are arranged pairwise and are obliquely inclined pairwise for regulating the advancement speed of the bodies (figure). As to claim 7, Magnusson discloses an apparatus comprising a common shaft 3 interconnected and a drive unit 5 for synchronous driving of the shafts and thus the pulleys 8 and the obliquely inclinable wheels (figure, whole disclosure).

27. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts and Magnusson as applied to claims 1-4 and 7 above, and further in view of Smith.

Roberts and Magnusson disclose the limitations with respect to claims 1-4 and 7 as discussed above. The references are silent however, as to an apparatus wherein shafts in the one conveyor section are discrete and separate from shafts in the second conveyor such that the apparatus is capable of independently driving wheel pairs in the different conveyor sections. Roberts in view of Smith discloses why it would have been obvious to enable the first section to displace cylindrical bodies at higher speed than in the second section (see section 23 above). As such one of ordinary skill in the art would have readily recognized to modify the apparatus of Roberts in as modified by Magnusson such that shafts of Magnusson in the one section can operate independently from the shafts in the second section. Such a modification to the apparatus of Roberts as modified by Magnusson would enable said apparatus to convey cylindrical bodies at a higher speed in the one section than in the second section and thus achieve the advantages disclosed by Smith. Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to

modify the apparatus of Roberts as modified by Magnusson such that the shafts in the one conveyor section are discrete and separate from the shafts in the second conveyor section in order to the achieve the advantages of having the one section capable of conveying at a higher speed than the second section as taught by Smith.

Response to Arguments

The applicant argues that Roberts fails to disclose the limitations of claim 1. Such arguments are not found persuasive. The applicant is referred to section 19 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER SCHATZ whose telephone number is 571-272-6038. The examiner can normally be reached on Monday through Friday 9 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHRISTOPHER SCHATZ/
Examiner, Art Unit 1791

/Richard Crispino/
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